

**FEB 26 2007**

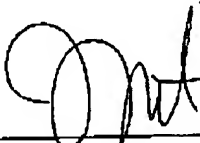
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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 2003 P 52524 US	
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		First Named Inventor Staecker, et al.	
		Art Unit 2854	Examiner Anthony Nguyen
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.  This request is being filed with a notice of appeal.  The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number 35,272 <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature Ira S. Matsil Typed or printed name 972-732-1001 Telephone number 2/26/07 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Staecker, *et al.* Docket No.: 2003 P 50524 US  
Serial No.: 10/802,618 Art Unit: 2854  
Filed: March 17, 2004 Examiner: Anthony H. Nguyen  
For: Arrangement for Transferring Information/Structures to Wafers

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Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

All claims have been finally rejected as being obvious over Chen (U.S. Patent Application Publication No. 2002/0170880, hereinafter "Chen"), in view of Mori et al. (U.S. Patent No. 5,268,744, hereinafter "Mori"), either in combination or in combination with other references. Applicants respectfully submit that the explicit teachings of Chen and Mori teach away from the combination suggested in the Final Rejection.

*1. Undisputed Facts*

- Independent claims 1 and 22 recite a plurality of infrared light sources and a plurality of infrared cameras.
- Chen, the primary reference, does not teach a plurality of infrared light sources or a plurality of infrared cameras.

- Mori, the secondary reference, teaches a plurality of light sources and detection units 7 and 11.

- Mori teaches "infrared blocking filters 27 and 28 [that] are used to prevent mixture of lights to be detected by the image pickup device 11 and the light receiving means 7, respectively."

## *2. Issue*

Is it obvious to modify Chen to include a plurality of infrared light sources and a plurality of infrared cameras in view of Mori when Mori teaches blocking filters to prevent any infrared light from one of the two light sources from reaching any cameras?

## *3. Discussion*

Claims 1 and 22, the only pending independent claims, both require a positioning system that includes "a plurality of infrared light sources and a plurality of infrared cameras." As the Examiner admits, "Chen does not clearly teach the plurality of infrared light sources and a plurality of infrared cameras." Final rejection, page 2. The Examiner attempts to overcome this fact by citation to Mori. As will be clear, however, Mori teaches away from inclusion of a plurality of infrared light sources and cameras.

In the final rejection, the Examiner states that "Moris et al. [sic.] teaches the use of infrared light sources 4 and 8 for positioning a wafer 2 on a stage or chuck 102." Final rejection, pages 2-3, citing to Mori, Fig. 5 and col. 10, lines 31-36 and col. 11 lines 30-35. For convenience, Figure 5 is reproduced below.

While the Mori reference teaches the use of two light sources, 4 and 8, Mori does not teach a plurality of infrared light sources and cameras, as required by claims 1 and 22.

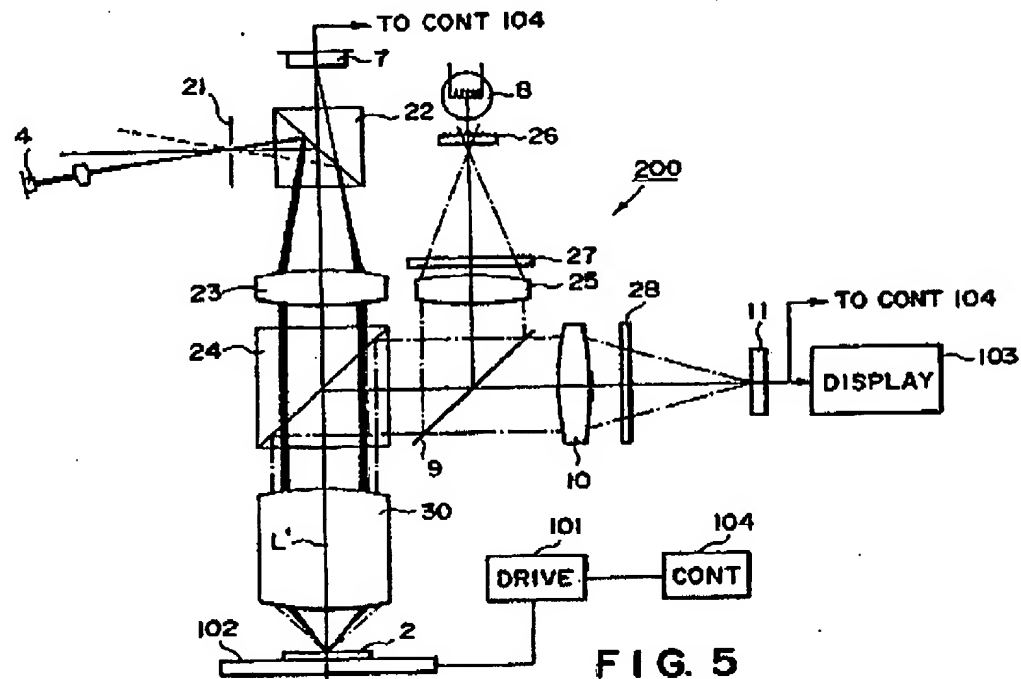


Figure 5 of Mori shows two light sources 4 and 8. The light from source 8 is passed through an infrared *blocking* filter 27 which *intercepts* infrared components. Mori, col. 10, lines 15-18. Furthermore, Mori explicitly states that "the infrared blocking filters 27 and 28 are used to prevent mixture of lights to be detected by the image pickup device 11 and the light receiving means 7, respectively." Mori, col. 11, lines 8-11.

Mori does not teach a plurality of infrared cameras. The Examiner, however, states "[t]he use of infrared camera as a sensor for receiving an infrared light from an infrared light source is convention." Final rejection page 3. Applicants respectfully submit that this statement cannot be true in the case of a system that includes an infrared blocking filter

between the light source and any camera. Clearly, the reference itself teaches away from the use of an infrared camera by explicitly teaching the removal of infrared components from the light. If these components are filtered, there is no need or practical use of an infrared camera. Mori clearly teaches away from such a use.

The Examiner also points to column 11, lines 30-35, which state that the first light source and the second light source may be provided by one in the same light source. First, this disclosure clearly does not teach the use of a plurality of infrared light sources. Rather, this portion teaches the exact opposite, namely the use of a single light source. Further, even if the disclosure could be extended to suggest that light sources 4 and 8 could be separate light sources of the same type, the light source 8 includes an infrared blocking filter in its path. Clearly, both light detecting means could not include an infrared camera.

Since Mori itself teaches away from using two infrared light sources and cameras, it cannot be obvious to modify Chen to include a plurality of infrared light sources and a plurality of infrared cameras.

After making claim rejections with respect to the plurality of the infrared light sources, the Examiner states on page 3 of the Final Office Action that "the broad provision of a plurality of a single element taught by the Chen or the prior art has long been held to be an obvious expedient." The Examiner does not cite any authority or legal support to back up this statement.

Contrary to the unsupported statement of the Final Rejection, the plurality of a single element has not been held to be an obvious exponent. To make such a rejection, there needs to be "a finding as to the specific understanding or principle within the knowledge of a skilled artisan" that would motivate one to use a plurality of infrared light

sources. *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000) (Court reversed obviousness rejection involving the technologically simple concept of using a single sensor to control multiple valves rather than multiple sensors controlling multiple valves because there was no finding as to the principle or specific understanding within the knowledge of a skilled artisan that would have motivated the skilled artisan to make the claimed invention). See MPEP § 2143.01(I); MPEP § 2143.01(IV). No such finding has been made (or can be made) and, therefore, it is respectfully submitted that such an obviousness rejection based on a plurality of a single element cannot be made.

In summary, the Examiner's rejections of claims 1 and 22 should be withdrawn because the prior art of record does not disclose a plurality of infrared light sources and cameras and because it would not be obvious to modify them to do so. Applicants further reserve the right to raise additional arguments in the event this application must go to the board. In view of the page limit, Applicants have focused on only one single issue herein.

Respectfully submitted,



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2/26/07  
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